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Commonwealth of Virginia

RESPONSE TO PETITION FOR RULEMAKING

Check one: ☐ Initial Agency Notice ☒ Agency Decision

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Agency Name: Department of Agriculture and Consumer Services

Chapters affected:

VAC No. <i>(e.g., 4 VAC 20-490):</i>	Chapter Name <i>(e.g., Regulations Pertaining to Sharks):</i>
2 VAC 5-140	Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals, and Other Animals or Birds into Virginia

Statutory Authority: The petitioner cites Sections 2.2-4007(A) and 3.1-726(A) of the Code of Virginia

Name of petitioner: Christine Solem, Director, Virginia State Dairy Goat Association, Inc.

Nature of petitioner's request: The petitioner writes:

"Pursuant to Section 2.2-4007(A) of the Code of Virginia, the undersigned, at the request of the Virginia State Dairy Goat Association, Inc., hereby petitions this agency to amend 2 VAC 5-140-100(B) and (C) under Chapter 140, Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals, and Other Animals or Birds into Virginia, for the following reasons:

Under Section 3.1-726(A), Code of Virginia, the Board has the authority to adopt regulations as may be necessary to eradicate and prevent the spread of contagious and infectious diseases such as tuberculosis and Bangs abortion disease (brucellosis). Cattle for dairy or breeding purposes, under 2 VAC 5-140-50(A)(1) and (B)(3)(a), may enter the Commonwealth without tuberculosis and brucellosis testing if they originate from a certified tuberculosis-free area and a brucellosis-free state. However, 2 VAC 5-140-100(B) and (C) states that goats for dairy or breeding purposes may enter the Commonwealth only if they are individually tested for tuberculosis and brucellosis within 30 days of entry or originate from a herd in which all animals tested negative for tuberculosis and brucellosis within 12 months prior to entry.

Yet goats are not nearly as susceptible to tuberculosis and brucellosis as are cattle. In fact, many states no longer require the testing of goats for these two diseases before entry. Certainly the testing of goats entering Virginia from areas and states free of tuberculosis and brucellosis is not necessary as it has been determined already that it is not necessary even for cattle. Such nonessential testing creates an unreasonable economic burden which adversely impacts the dairy goat industry here in Virginia, especially with respect to exhibition animals which enter the state for a day or two and then return home.

Petitioner therefore asks the agency to amend 2 VAC 5-140-100(B) and (C) so that the regulations pertaining to goats conform to the same requirements as cattle entering the state from an area or state free of tuberculosis and brucellosis."

INITIAL AGENCY NOTICE

Agency's plan for disposition of the request:

Comments may be submitted until

AGENCY DECISION

☐ Request Granted

☒ Request Denied

Statement of reasons for decision: The Board of Agriculture and Consumer Services denies the petition for the following reasons: 1. It is known that goats are susceptible to tuberculosis and brucellosis; and 2. There are national surveillance programs for cattle against tuberculosis and brucellosis (programs on which the Virginia standards for cattle cited by the petitioner are based), but such programs do not exist for goats. The Board is advised that the agency's staff anticipates developing a notice of intended regulatory action for the Board's consideration at the December meeting for this regulation that the petitioner seeks to have amended. There is opportunity for the public to submit comments in response to a notice of intended regulatory action. In making its decision on this petition, the Board took into consideration the one comment received during the public-comment period on this petition, which was from Mindy Stowers of Bland County, Virginia, who supports the petition.

Agency Contact for Further Information:

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Date Submitted:
